

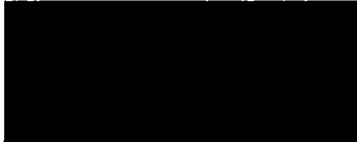
EXHIBIT 34



Douglas A. Randall
County Court Judge

County Court Chambers
545 Hall of Justice
Rochester, New York 14614-2184
Phone: (585) 371-3649
Fax: (585) 530-3242

November 5, 2020



Leah Mervine, Esq.
Assistant District Attorney
Ebenezer Watts Building, Suite 832
Rochester, NY 14614

RE:



Dear



And Ms. Mervine:

This appeal matter has been transferred to the Hon. Douglas A. Randall in Monroe County Court. Oral argument of the above-captioned appeal is scheduled for Friday, November 20, 2020 at 10:00 a.m. at the Hall of Justice.

Thank you in advance for your attention to this matter.

Very truly yours,

A handwritten signature in cursive script, reading "Joseph J. Valentino".

Joseph J. Valentino, Esq.
Law Clerk to Hon. Douglas A. Randall

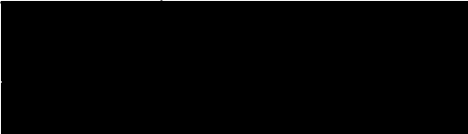
EXHIBIT 35



County Court Chambers
545 Hall of Justice
Rochester New York 14614-2184
Phone: (585) 871-3649
Fax: (585) 530-3242

Douglas A. Randall
County Court Judge

November 20, 2020



Derek Harnsberger, Esq.
Assistant District Attorney
Ebenezer Watts Building, Suite 832
Rochester, NY 14614

RE: [REDACTED]

Dear [REDACTED]

This appeal matter has been transferred to the Hon. Douglas A. Randall in Monroe County Court. The court is willing to schedule oral argument of the above-captioned appeal if oral argument is requested by the parties. If either party is requesting oral argument, that party should send a letter or email to the court by December 7, 2020. You can send the letter to the address listed on the letterhead above or you can send an email to jivalent@nycourts.gov.

If oral argument is requested, such proceeding must be held virtually as the court is not permitted to schedule in-person proceedings at this time due to Covid-19 restrictions. The parties must send the court an email address so the court can send the virtual link on Microsoft Teams when the oral argument date is scheduled.

If the court does not receive a request for oral argument by December 7, 2020 the court will assume that the parties are standing on the record and their appellate briefs. The court will then issue a written decision.

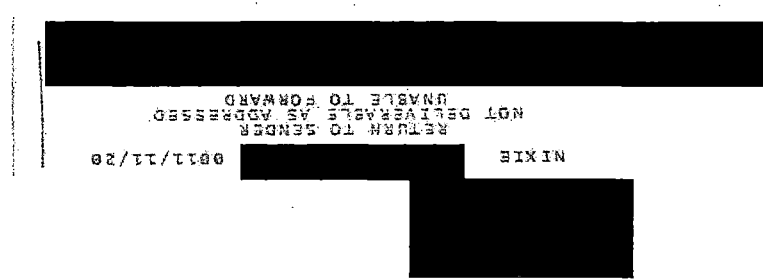
Thank you in advance for your attention to this matter.

Very truly yours,

A handwritten signature in cursive script, reading "Joseph J. Valentino".

Joseph J. Valentino, Esq.
Law Clerk to Hon. Douglas A. Randall

EXHIBIT 36



Presort
First Class Mail
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ZIP 10614 02 NY
\$000.46
0001400887 NOV 06 2020

DR
County Court Chambers
545 Hall of Justice
Rochester, New York 14614-2184

EXHIBIT 37

From: [REDACTED]
Subject: [REDACTED]
Date: January 27, 2021 at 1:21 PM
To: jivalent@nycourts.gov
Cc: DerckHarnsberger@monroecounty.gov, ig@nycourts.gov, cdoran@nycourts.gov, shartwig@nycourts.gov

Dear Mr. Valentino:

Thank you for your email, although I need to clarify a few matters.

1. I dispute your characterization of our telephone conversation last year. Specifically, you stated that you would mail the letter again, and I patiently awaited it so that I could respond.
2. I clearly requested oral argument in writing on January 05, 2021, of which I will forward to you and all others after this email is sent. In fact, not only did I send you an email requesting oral argument on January 05, 2021, but I sent five follow-up emails thereafter, of which went unanswered until today.
3. Both addresses are accurate, and I have recently received communications at both addresses from the Appeals Clerk and the Respondent. As previously explained, any communications need to be addressed to me using my full name, of which the Court is in possession of.
4. I dispute that the decision cannot be emailed to me.

Sincerely,

[REDACTED]

EXHIBIT 38

From: [REDACTED]
Subject: [REDACTED]
Date: February 23, 2021 at 9:47 AM
To: jvalent@nycourts.gov

Dear Mr. Valentino:

Has a decision been rendered in the above-referenced matter? If so, when?

Sincerely,

[REDACTED]

EXHIBIT 39

From: [REDACTED]
Subject: [REDACTED]
Date: February 25, 2021 at 12:25 PM
To: jjvalent@nycourts.gov
Cc: lg@nycourts.gov, odoran@nycourts.gov

Dear Mr. Valentino:

I sent you the below email on February 23, 2021, but you failed to respond.

Pursuant to the First Amendment to the United States Constitution and the Fourteenth Amendment to the United States Constitution, I hereby request a response to the following question: has a decision been rendered in the above-referenced matter? If so, when?

* * * * *

This email is not intended to be a full or complete statement of all relevant facts or applicable law, and nothing herein is intended as, nor should it be deemed to constitute, a waiver or relinquishment of any of my rights, remedies, claims, or causes of action, all of which are hereby expressly reserved.

Sincerely,

[REDACTED]

----- Forwarded message -----

From: [REDACTED]
Date: Tue, Feb 23, 2021 at 12:47 PM
Subject: [REDACTED]
To: [<jjvalent@nycourts.gov>](mailto:jjvalent@nycourts.gov)

Dear Mr. Valentino:

Has a decision been rendered in the above-referenced matter? If so, when?

Sincerely,

[REDACTED]

EXHIBIT 40

From: Joseph Valentino jvalent@nycourts.gov
Subject: [REDACTED]
Date: February 25, 2021 at 4:19 PM
To: [REDACTED]
Cc: IG ig@nycourts.gov, Hon. Craig Doran cdoran@nycourts.gov



[REDACTED]
The February 23 email you sent to me was delivered to my junk email. I did not realize you sent it until I received your email today. I apologize for that, but I do not check my junk email daily. Judge Randall issued a decision on February 9, 2021. The decision was sent by mail to your [REDACTED] address on February 10, 2021. I learned on Tuesday from Judge Randall's secretary that the decision was returned to our court clerk's office as "return to sender, not deliverable as addressed, unable to forward." The returned letter was recently delivered to Judge Randall's chambers.

I can resend the decision. The only address we have for you is:

[REDACTED]

Please let me know if this is the correct address.

Thank you,
Joe Valentino

EXHIBIT 41

From: [REDACTED]
Subject: [REDACTED]
Date: February 26, 2021 9:05 AM
To: jivalent@nycourts.gov

Dear Mr. Valentino:

Thank you for your email.

As stated in my January 27, 2021 email to you, my "addresses are accurate, and I have recently received communications at both addresses from the Appeals Clerk and the Respondent. As previously explained, any communications need to be addressed to me using my full name, of which the Court is in possession of."

This said, it must be sent using my full name, of which is required by USPS regulations.

Sincerely,

[REDACTED]

EXHIBIT 42

[REDACTED]

June 15, 2021

Via USPS First Class Mail

Joseph Valentino
Clerk to the Honorable Douglas Randall
545 Hall of Justice
Rochester, New York 14614

Re: [REDACTED]

Mr. Valentino:

As of the date of this letter, I have still not received any communication(s) from you, including the February 09, 2021 order.

In light of the foregoing, I again kindly ask that you mail the February 09, 2021 order to me via USPS Certified Mail. As previously articulated to you many times, the envelope must be addressed using my full name as follows:

[REDACTED]

* * * * *

This communication is not intended to be a full or complete statement of all relevant facts or applicable law, and nothing herein is intended as, nor should it be deemed to constitute, a waiver or relinquishment of any of my rights, remedies, claims, or causes of action, all of which are hereby expressly reserved.

Sincerely,

[REDACTED]

EXHIBIT 43

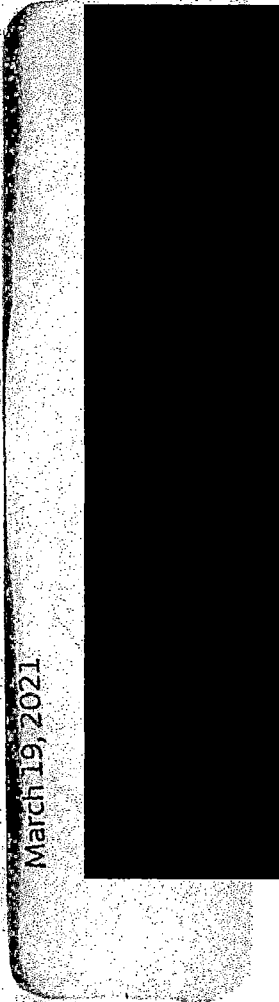


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\$ 000.45
MAR 19 2021



March 19, 2021

From: **USPS Informed Delivery** USPSinformeddelivery@informedelivery.usps.com 
Subject: Your Daily Digest for Wed, Mar 24
Date: March 24, 2021 at 8:30 AM

You have mail and packages arriving soon.

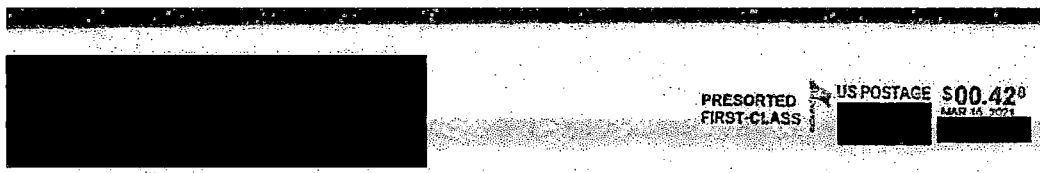
3/24/2021




COMING TO YOUR MAILBOX SOON.



MAIL



From: **USPS Informed Delivery** USPSinformeddelivery@informedelivery.usps.com 
Subject: Your Daily Digest for Fri, Mar 26
Date: March 26, 2021 at 8:17 AM

You have mail and packages arriving soon.

3/26/2021



COMING TO YOUR MAILBOX SOON.



MAIL



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FIRST-CLASS




US POSTAGE

\$00.42⁹

MAR 18 2021

50



From: **USPS Informed Delivery** USPSinformedelivery@informedelivery.usps.com 
Subject: Your Daily Digest for Mon, Apr 05
Date: April 5, 2021 at 8:40 AM

You have mail and packages arriving soon.

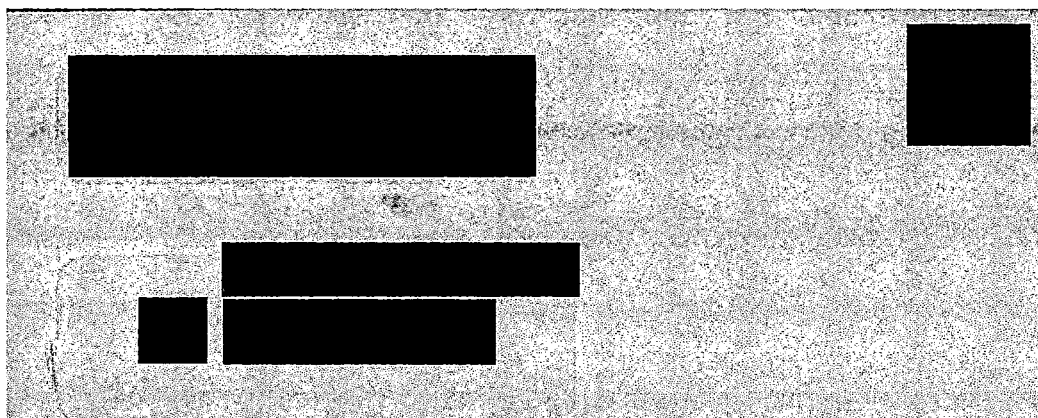
4/5/2021

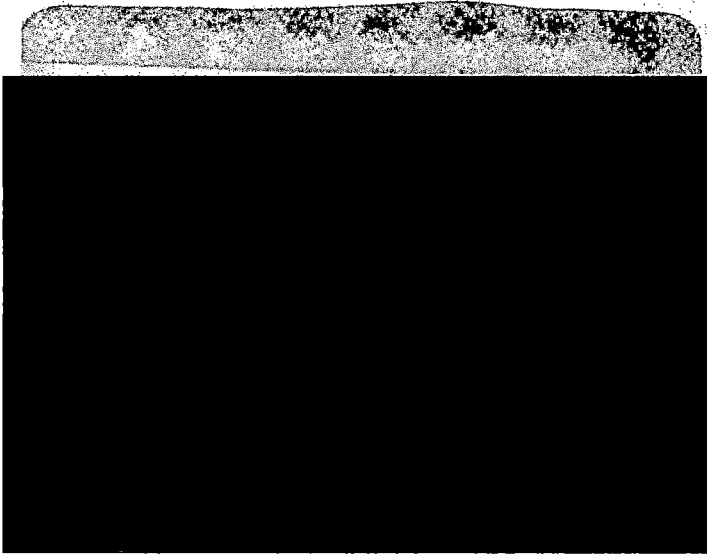


COMING TO YOUR MAILBOX SOON.



MAIL






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FIRST CLASS



US POSTAGE METER

\$ 001.81⁸
APR 08, 2021

From: **USPS Informed Delivery** USPSInformedelivery@informedelivery.usps.com 
Subject: Your Daily Digest for Wed, Apr 14
Date: April 14, 2021 at 8:20 AM

You have mail and packages arriving soon.

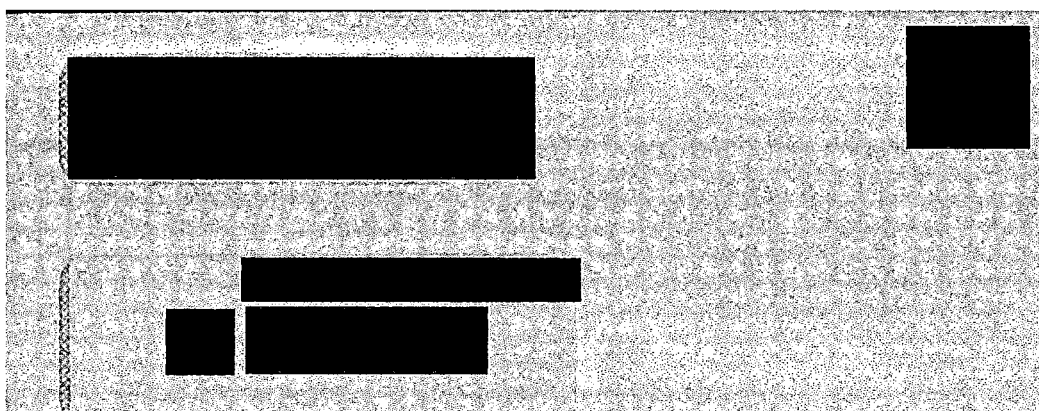
4/14/2021




COMING TO YOUR MAILBOX SOON.



MAIL



From: **USPS Informed Delivery** USPSinformeddelivery@informedelivery.usps.com 
Subject: Your Daily Digest for Sat, May 01
Date: May 1, 2021 at 8:26 AM

You have mail and packages arriving soon.

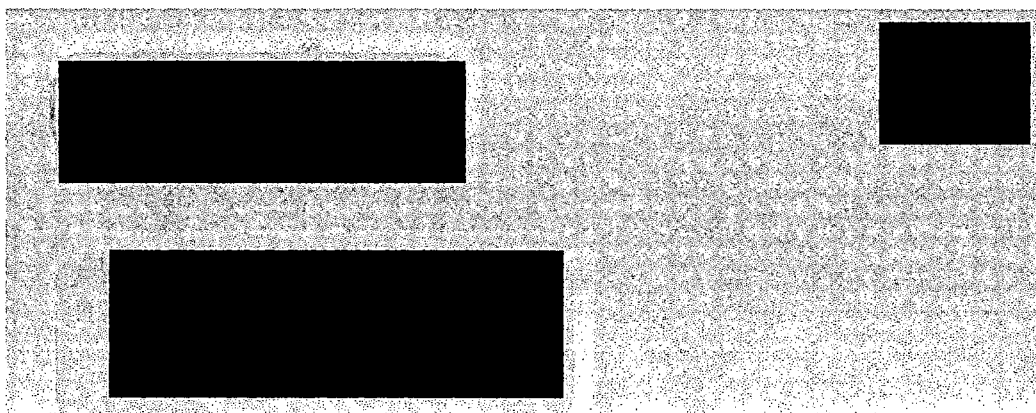
5/1/2021




COMING TO YOUR MAILBOX SOON.



MAIL



From: **USPS Informed Delivery** USPSinformeddelivery@informedelivery.usps.com 
Subject: Your Daily Digest for Mon, May 24
Date: May 24, 2021 at 8:59 AM

You have mail and packages arriving soon.

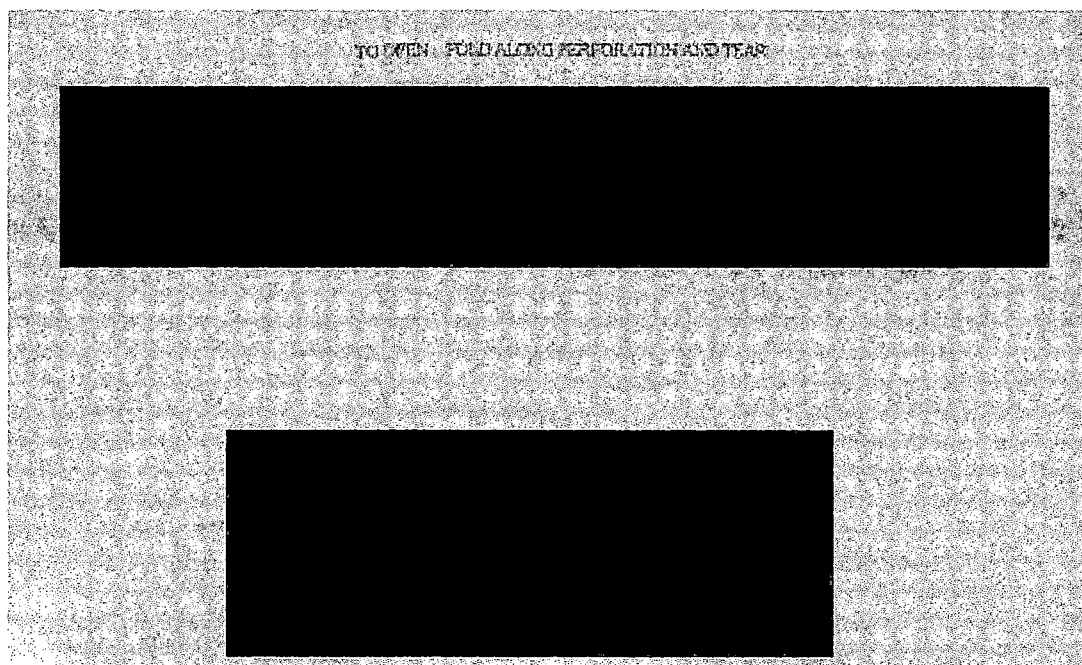
5/24/2021




COMING TO YOUR MAILBOX SOON.



MAIL



From: **USPS Informed Delivery** USPSinformeddelivery@informedelivery.usps.com 
Subject: Your Daily Digest for Mon, Jun 14
Date: June 14, 2021 at 8:05 AM

You have mail and packages arriving soon.

6/14/2021




COMING TO YOUR MAILBOX SOON.



MAIL



From: **USPS Informed Delivery** USPSinformedelivery@informedelivery.usps.com 
Subject: Your Daily Digest for Wed, Jul 21
Date: July 21, 2021 at 8:10 AM

You have mail and packages arriving soon.

7/21/2021



COMING TO YOUR MAILBOX SOON.



MAIL

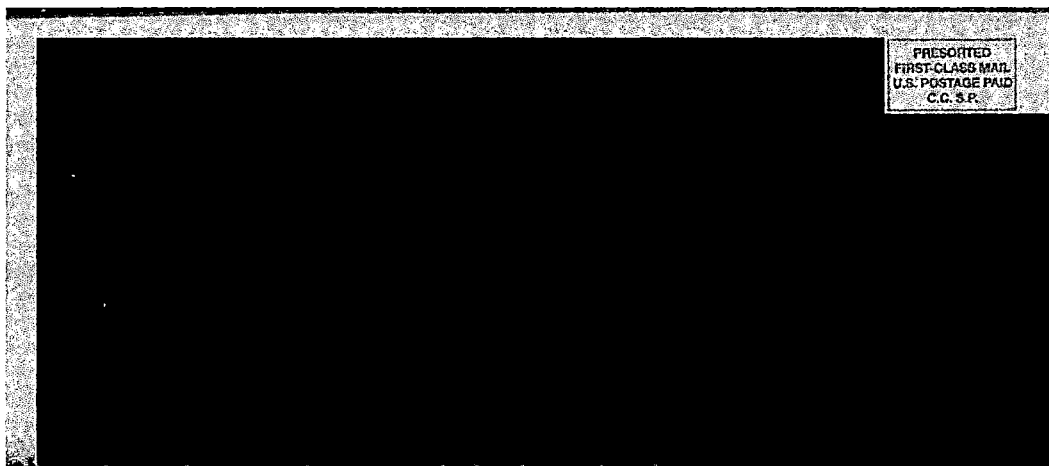


EXHIBIT 44



**State of New York
Department of State
Committee on Open Government**

One Commerce Plaza
99 Washington Ave.
Albany, New York 12231
(518) 474-2518
Fax (518) 474-1927
<http://www.dos.ny.gov/coog/>

April 28, 2014

FOIL-AO-19123

Dear

As you are aware, this office has advised on many occasions that records relating to criminal offense should be sealed to comply with §160.50 of the Criminal Procedure Law when charges are dismissed in favor of an accused. In a situation in which records are sealed pursuant to §160.50, they are exempt from disclosure to the public pursuant to §87(2)(a) of FOIL concerning records that "are specifically exempted from disclosure by state or federal statute." Because that is so, as a general matter, FOIL provides no rights when §160.50 applies.

It appears, however, that rights of access to "official records and papers...relating to the arrest or prosecution" referenced in subdivision (1)(c) of §160.50 are conferred not by FOIL, but rather by subdivision (1)(d) of that statute. That provision states in relevant part that "such records shall be made available to the person accused or to such person's designated agent..."

From my perspective, when records are sealed pursuant to §160.50 of the Criminal Procedure Law, FOIL has no application and provides no rights of access to the public, including a person accused. Because FOIL does not apply, an agency cannot, in my opinion, cite exceptions in that statute as a means of denying access to a person whose charges have been dismissed in his or her favor. The only statute conferring rights of access to such a person is subdivision (d) of §160.50.

In your determination of an appeal made by Ms. , the subject of records that were sealed following the dismissal of charges against her, you denied access based on the exceptions to rights of access appearing in §87(2) of FOIL. Again, in my view, FOIL serves neither as a basis for disclosure, nor as a basis for a denial of access in the circumstance of Ms. 's request. Rather, the statute granting rights of access is §160.50(d), which does not include the limitations or grounds for denial of access contained in §87(2) of FOIL.

In consideration of the foregoing, at Ms. 's request, it is asked that you reconsider the response to her denying access to the records sought in view of the direction given in §160.50(1)(d) of the Criminal Procedure Law.

Sincerely,
Robert J. Freeman
Executive Director

cc:

FOIL-AO-f19123
19123